

STATE OF SOUTH DAKOTA  
DEPARTMENT OF EDUCATION  
OFFICE OF CURRICULUM, TECHNOLOGY, AND ASSESSMENT  
700 GOVERNORS DRIVE  
PIERRE, SD 57501

REQUEST FOR PROPOSAL (RFP)  
DOE-05-003

Enhancing Education Through Technology (ED Tech) Program  
Title II, Part D

PROPOSAL SUBMISSION DEADLINE:  
5:00 PM CST  
February 4, 2005

*Only complete applications postmarked by the deadline will be considered for funding.*

DEPARTMENT CONTACT:

Jennifer Neuhauser (605) 773-2533  
or  
[jennifer.neuhauser@state.sd.us](mailto:jennifer.neuhauser@state.sd.us)

*Do not include this cover sheet with proposal*

Equal Opportunity Employer

## Applicant Information

The Ed tech program in South Dakota provides funds to improve student achievement in the areas of Mathematics, Reading, and Science. Through Title II, Part D awards will be made to K-12 public school districts for the purpose of developing and implementing comprehensive professional development plans which utilizes existing technology in the district and focuses on improving student achievement in one of the following content areas: reading, mathematics or science.

**You may apply for more than one area of grant award concentration. If you choose to apply for multiple areas, you must submit separate applications.**

|   |                        |                          |                 |                          |                              |
|---|------------------------|--------------------------|-----------------|--------------------------|------------------------------|
| Applicant School District/LEA:                    |                        | Tax ID Number:           |                 |                          |                              |
| School District/LEA's Mailing Address:            |                        |                          |                 |                          |                              |
| Is the School District/LEA in School Improvement? |                        |                          |                 |                          |                              |
| City, State, Zip:                                 |                        |                          |                 |                          |                              |
| Telephone Number:                                 |                        | Fax Number:              |                 |                          |                              |
| Authorized Project Contact:                       |                        | Position:                |                 |                          |                              |
| Email:  |                        |                          |                 |                          |                              |
| Type of Applicant (Check only one)                |                        |                          |                 |                          |                              |
| <input type="checkbox"/>                          | Local Education Agency | <input type="checkbox"/> | Indian Tribe    | <input type="checkbox"/> | Faith-Based Organization     |
| <input type="checkbox"/>                          | Individual             | <input type="checkbox"/> | Other (Specify) | <input type="checkbox"/> | Community-Based Organization |

**Due Date: Postmarked by February 4, 2005, or hand-delivered to the Department of Education by 5:00 PM (CST) on the stated deadline.**

### Privacy Act Statement

In compliance with the Federal Privacy Act of 1974, the disclosure of the social security or taxpayer identification number on this form is mandatory pursuant to 26 U.S. C. 6109.

Authorized Representative Signature: I hereby certify that all data in this application are true and correct. The document has been duly authorized by the governing body of the applicant. The applicant will comply with the attached assurances if assistance is rewarded.

|   |  |      |
|---|--|------|
| Authorized Representative's<br>Printed Name | Authorized<br>Representative's Signature | Date |
|---|--|------|

### **For State Use Only:**

Approval of this plan/amendment is granted under the provisions of Public Law 107-110, provided the funds as allotted are expended only in accordance with the rules and regulations of the Department of Education and that should and audit disclose that such funds have not been so expended and restitution of such funds is required by the Department of Education, such restitution shall be made by the local education agency.

\_\_\_\_\_  
**DEPARTMENT OF EDUCATION** Authorizing Individual

\_\_\_\_\_  
Date

# **Request for Proposals (RFP) for: Enhancing Education Through Technology (ED Tech) Program**

## **Project Description**

Funds are available to provide comprehensive professional development opportunities to K-12 public school districts who demonstrate both need and innovative strategies for their use, including the development and implementation of comprehensive professional development that can be widely replicated by others. Making these funds available is a focus of the South Dakota Department of Education ongoing effort to promote technology as a foundation to insure South Dakota students leave school prepared for the 21st century.

Under the Ed Tech program, the U.S. Department of Education provides grants to state educational agencies (SEAs). One-half of the allocations must be distributed competitively to eligible local entities. <http://www.ed.gov/programs/edtech/guidance.doc>

School districts responding to the RFP should focus on professional development which is of sufficient size and duration to be effective and that meets the eligibility requirements under the ED Tech competitive grant program. Districts which received small Ed Tech formula grant awards (through LEA consolidated applications) are encouraged to take advantage of the grant's flexibility in order to address local needs more effectively.

## **Local Entity Eligibility Requirements**

1. ELIGIBLE LOCAL ENTITY- The term eligible local entity' means —

- a high-need local educational agency; or
- an eligible local partnership.

2. ELIGIBLE LOCAL PARTNERSHIP- The term eligible local partnership' means a partnership that shall include at least one high-need local educational agency and at least one —

- local educational agency that can demonstrate that teachers in schools served by the agency are effectively integrating technology and proven teaching practices into instruction, based on a review of relevant research, and that the integration results in improvement in —
  - classroom instruction in the core academic subjects; and
  - the preparation of students to meet challenging State academic content and student academic achievement standards;
- ✓ institution of higher education that is in full compliance with the reporting requirements of section 207(f) of the Higher Education Act of 1965 and that has not been identified by its State as low-performing under section 208 of such Act;
- ✓ for-profit business or organization that develops, designs, manufactures, or produces technology products or services, or has substantial expertise in the application of technology in instruction; or
- ✓ public or private nonprofit organization with demonstrated experience in the application of educational technology to instruction; and

2. may include other local educational agencies, educational service agencies, libraries, or other educational entities appropriate to provide local programs.

3. QUALIFICATIONS OF ELIGIBLE PARTNERSHIPS – Eligible local entities who wish to establish partnerships with for-profit businesses and organizations or public and private non-profit organizations must-

- demonstrate to the SEA the partner's qualifying expertise and experience in k-12 education of the targeted content area. Partnership will submit to the SEA with this proposal evidence verifying appropriate requirements of the partnership and this provision.

4. HIGH-NEED LOCAL EDUCATIONAL AGENCY- The term high-need local educational agency' means a local educational agency that —

- is among the local educational agencies in a State with the highest numbers or percentages of children from families with incomes below the poverty line; and
- operates one or more schools identified under section 1116; or
- has a substantial need for assistance in using technology.

### **SD Project Goal**

The primary goal of the South Dakota Ed Tech program is to improve student academic achievement through the use of technology in elementary and secondary schools. It is also designed to encourage the effective integration of technology resources and systems with professional development and curriculum development to establish research-based instructional methods that can be widely implemented as best practices by state educational agencies and local educational agencies.

### **SD Project Scope**

The purpose of this comprehensive professional development plan is to—

- Support initiatives that enable educators to integrate technology effectively into curriculum and instruction that are aligned with STATE standards, through such means as high-quality professional development programs (see attachment A for definition).
- Enhance ongoing professional development for educators by providing constant access to training and updated research in teaching and learning through electronic means.
- Support the development and use of electronic networks and other innovative methods, such as distance learning, to provide specialized or rigorous courses or curricula to students who would not otherwise have access to such information, particularly of those in geographically isolated regions.
- Support the rigorous evaluation of programs funded under the Ed Tech Act, particularly regarding the impact of these programs on student academic achievement, and to ensure that the results are widely accessible through electronic means.

### **The professional development will**

- utilize innovative strategies for improving teaching and learning;
- be related to and supported by the district's mission and vision;
- be consistent with the district's long-range technology plan; and
- provide ongoing, sustained professional development for teachers, principals, administrators, and school library media personnel to further the effective use of technology in the classroom or library media center.

### **The professional development plan will**

- be scientifically research-based;
- be designed around South Dakota Content Standards with alignment to state content standards noted;
- utilize teaching strategies that engage participants and reflect adult learning styles;
- incorporate appropriate assessment;
- be started on or after May 1, 2005;
- continue implementation during the 2005-2007 school years; and
- where appropriate, be delivered over the Digital Dakota Network.

### **The District will**

- work with Department of Education employees or designees during the development and implementation of the grant activities;
- provide information and data to the Department on Education upon request for purposes of evaluating and documenting implementation of the grant;
- submit the professional development model to the South Dakota Department of Education for its use and dissemination;
- submit a final report including recommendations based on findings of the instructional strategies, curriculum and technologies utilized in the professional development.
- assure good faith commitment and support of the administration and the school board in the future development and implementation of curriculum activities involving technology.

All proposals submitted under the RFP must follow the guidelines specified here in.

### **Response Requirements and Dates of Submission**

To be considered for participation, one original (word processed or typed) and two copies of the attached RFP Form must be completed and submitted, and must include Statement of Assurances with required signatures. Proposals must be postmarked by **February 4, 2005** or hand-delivered to the Office of Technology, Curriculum and Assessment by **5:00 PM (CST)** on the stated deadline. The Department of Education is not responsible for transmittal time or irregularities in delivery on the part of the US Postal Service or other courier services. Faxed or emailed proposals will not be accepted.

**This RFP does not provide monies for equipment, software, or infrastructure in a district. It does provide monies for professional development, participant incentives, management of the comprehensive professional development plan, contracted services and materials needed to deliver the comprehensive professional development plan. Tuition is not an allowable expense.**

Mail or hand-deliver the completed proposals to:

**South Dakota Department of Education  
Office of Curriculum, Technology, and Assessment  
Attn: JENNIFER NEUHAUSER  
Title II, Part D  
700 Governors Drive  
Pierre, SD 57501**

### **Award Period**

It is anticipated that awards will be announced by March 30, 2005. This RFP will be awarded for two project periods. List as follows: May 1, 2005 – June 30, 2006 and July 1, 2006-June 30, 2007. All professional development activities will start on or after May 1, 2005 and be completed by June 30, 2007.

Funding for project year two (FY07) is contingent on federal appropriations and continued successful implementation of the program during the first year.

### **Award Amounts**

Projects will be awarded for professional development and will be based on need and availability.

Proposals should include amounts that are of sufficient size and scope to be effective but not excessive.

## Evaluation Criteria

The Enhancing Education Through Technology's (ED Tech) Professional Development proposals must meet the minimum evaluation criteria as identified in the application in order to be considered for funding (must receive a minimum of 70 points out of a possible 100 and contain appropriate signatures). Respondents not meeting the minimum criteria will not be considered for funding. The funding for this program is limited and awards will be issued until funds are depleted. Priority will be given to applicants based on the quality of the proposal per the evaluation.

Proposals must integrate current local technology to support professional development as identified in the RFP which results in **documented improved student achievement** in the areas of math, reading and science.

District will be responsible for demonstrating a real need for the chosen professional development proposed, outlining an accurate budget, using existing local technology, providing valid evaluation of the professional development, and providing evidence of impact on student achievement.

### Rejection of Submissions:

*DOE reserves the right to reject any and all submissions received as a result of this application process or to negotiate separately with the individual respondents.*

*If you have additional questions regarding this application, please contact Jennifer Neuhauser at 605-773-2533 or email [Jennifer.neuhauser@state.sd.us](mailto:Jennifer.neuhauser@state.sd.us).*

**Enhancing Education Through Technology (ED Tech) Program  
Professional Development Proposal**

**Applicant Information**

|  |                        |
|--|------------------------|
| School District:   |                        |
| Mailing Address:   |                        |
| Phone:   | Fax:                   |
| Federal Employer Identification Number:  |                        |
| If collaboration with other eligible LEA Please list the District that will serve as the local fiscal agent: |                        |
| Technology Plan Expiration Date:   |                        |
| Did the District receive funds through Title II, Part D of the consolidated application:                     |                        |
| Is any school in the District in school improvement?   | If yes, at what Level: |
| Project Coordinator:   | Position:              |
| Email:   |                        |
|  |                        |

**Proposal Abstract:** Provide a clear, concise and brief description (summary) of the overall plan.  
(maximum, 250 words)

## Key Individuals Developing/Implementing the Professional Development

|                  |           |
|------------------|-----------|
| Name:            | Position: |
| Mailing Address: |           |
| Phone:           | Fax:      |
| Email:           |           |
| Role:            |           |
|                  |           |
| Name:            | Position: |
| Mailing Address: |           |
| Phone:           | Fax:      |
| Email:           |           |
| Role:            |           |
|                  |           |
| Name:            | Position: |
| Mailing Address: |           |
| Phone:           | Fax:      |
| Email:           |           |
| Role:            |           |

### Section One: *Data Analysis and Collection*

**Data should be collected and analyzed in four distinct areas in order to determine gaps in student learning.** If you have already conducted a data retreat, you may utilize your findings from this earlier process. Be sure to include and discuss your data. Several questions can be asked as a guide through this process: By disaggregating data, what can be learned about student needs? Are there trends or patterns in this data? What kind of educated guess or hypothesis can be generated based on this data?

Please state what data has been collected and analyzed from each of the following areas. Varied data sources substantiate need. Please attach relevant documents.

1. **Student achievement data:** This can include standardized test scores, district-created assessments, classroom exams, alternative assessments for special education students or English language learners (ELL students), grade book summaries, and achievement data from non-core subjects.
2. **Demographic data:** This can include school enrollment, patterns of student transfer in and out of grade schools, how nearby neighborhoods affect school culture, transportation and its affect on student performance, enrollment rate of special programs, attendance, and general information about student behavior and social problems.
3. **Program data:** This provides information about what is being taught to whom. It can include field trips, college attendance of graduating students, curriculum sequences, general enrollment information as well as enrollment in alternative, extracurricular, and specially funded programs. Teacher credentials and licensure, student-teacher ratio, graduation rates, post-grad information rates, data concerning instructional aides, community volunteers, strategic plans and program evaluation methods should also be included.
4. **Perceptions data:** This reveals the community, teacher and student view of the school or district. It can include surveys on school climate, rates of student and teacher absenteeism, tardiness, rate and number of professional development participation, harassment incidents and complaints, hotline and suggestion box information and reviews of media coverage.

## Section Two: *Prioritizing*

**Gathering and analyzing data can help set student learning goals** and align school improvement efforts with these goals. Please answer the following questions.

1. Based on data gathered, demonstrate a need for improving student performance through professional development.
2. State 1-2 student achievement goals that relate to the stated needs.
3. Which of these goals are aligned with goals identified in the school/district improvement plan?
4. What needs would be indirectly addressed or improved as a result of meeting the prioritized needs?

### Section Three: *Defining Learning Strategies*

Once learning goals are determined, it is imperative to determine what strategies educators might use in order for students to achieve those goals.

1. Define instructional strategies that address these learning goals.
2. List research that directly relates to the content/overall direction of this plan. **Attach both a summary and bibliography of this research.**
3. What resources exist at the school/district that can be helpful in choosing the most effective strategies to address the necessary goals?

### Section Four: *Ascertaining Staff Knowledge*

In order for educators to be successful in implementation, **it is important to ascertain exactly what the staff knows about a particular subject.** Research shows that teachers are most successful in professional development that allows staff to engage in knowledge building constructed around specific student skills and complemented by current and appropriate research.

1. What data or training will staff need to know and be able to do in order to implement a specific instructional strategy?
2. How do the skills and content of the new instructional strategy relate to current state and national standards?

3. What are teachers' current competencies in the new area of instruction?
  
  
  
  
  
  
  
  
  
  
4. What current research, theory or knowledge, and skills will build staff knowledge from what is currently performed to what is intended for implementation?

|   |
|---|
| <b>Section Five: <i>Supporting Professional Development</i></b> |
|---|

Often times, professional development is looked at as a goal, when it actually should be considered a means to achieve a goal. **The best professional development has clear goals and is driven by data and research.** This research can be obtained in many ways, but may best be explored by examining study groups, student work, and coaching and mentoring.

1. What research supports the proposed professional development? Give an overview of research-based proposals that match the context of the selected professional development.
  
  
  
  
  
  
  
  
  
  
2. Explain how the professional development aligns with the instructional strategy, student learning goals and analyzed data.

3. Complete Table 1.1 in order to organize the school resources, people, time and money which can be allocated to support this professional development. It is feasible that the project goal may include many forms of professional development. **The table may be copied and attached as many times as necessary.**

**Table 1.1**

|   |  |
|---|--|
| <b>Project Goal:</b>                          |  |
| <b>Professional Development Proposed</b>      |  |
| <b>Person (s) Responsible</b>                 |  |
| <b>Timeline of Project Progression (Date)</b> |  |
| <b>Cost</b>                                   |  |
| <b>Existing Technology to be Used</b>         |  |
| <b>Materials</b>                              |  |

## Section Six: *Evaluating Professional Development*

**Evaluation is a crucial component in any form of professional development.** If evaluations show that planned activities are successful, educators' participation and commitment may increase. Conversely, less promising results can lead to changes in professional development that could make future efforts more effective.

South Dakota DOE will be utilizing an external evaluator to evaluate every funded project. The work of the evaluation will be both formative and summative. This external evaluation will assist each project in obtaining important data that can assist in project efforts.

Each project also needs to propose evaluation to be conducted locally. Please use these questions as guides in order to complete Table 1.2.

1. What evidence will be used to determine whether the professional development led to the desired goal?
2. How can evidence be gathered at various points of the professional development process? Examples of evidence can include student learning outcomes, participants' use, organizational support, and reactions to the experience.
3. What are the details of an evaluation plan for each initiative—indicators of success, data collection approaches/tools, data sources, timetable, person(s) responsible and cost?

**Table 1.2**

| Activity | Evaluation Instrument | Person (s) Responsible | Timeline |
|----------|-----------------------|------------------------|----------|
|          |                       |                        |          |
|          |                       |                        |          |
|          |                       |                        |          |
|          |                       |                        |          |

## Section Seven: *Administrative Support*

How was intent for this application communicated to your District Superintendent? What support for this application has been verbalized to you by your immediate administrators? How will the building administrator and District Superintendent be directly involved in this process?

## Project Budget

This form is a required element of the grant application. Justification for each of the categories shall be included in the **budget narrative** portion of the application. Modifications in the grant must be reflected over the two years of the grant and included as part of the annual reporting. Annual reapplication is required for continuation of funding for all grants. For reporting, you must include an itemized breakdown of these budget categories and a **budget narrative** explaining how you calculated each line item and the actual total project cost share.

**Table 1.3**

Program Title:

| <b>A. Direct Cost Requested for Partner</b>  | <b><u>Year One:</u></b><br><b>May 1, 2005- June 30, 2006</b> | <b><u>Year Two:</u></b><br><b>July 1, 2006-June 30, 2007</b> |
|--|--|--|
| 1. Salaries (include stipends)   |  |  |
| 2. Employee Benefits   |  |  |
| 3. Travel<br><br>*Justification required for out-of-state travel   |  |  |
| 4. Materials and Supplies  |  |  |
| 5. Purchased Services  |  |  |
| <b>B. Indirect Costs* (if appropriate)</b><br><br>*The indirect cost rate shall not exceed the LEA's approved rate, as set by the Department of Education. |  |  |
| TOTAL  |  |  |

|                         |
|-------------------------|
| <b>Budget Narrative</b> |
|-------------------------|

The budget narrative should describe the basis for determining the amounts shown on the project budget page. The budget narrative may be single-spaced. Both the project budget and the narrative description should be aligned with the activities described in the proposal narrative and should reflect and coordinated uses of resources from other sources. (maximum 500 words)

## Partnership Requirement

**Instructions: Complete this page only if forming a partnership.** Each participating school district or entity wishing to participate in forming a partnership regarding this RFP must have a Superintendent/CEO or Director sign and date this form. By signing this form, school districts or entities are confirming their participation in this partnership.

| Name of School/District | Superintendent/CEO or Director | Date |
|-------------------------|--------------------------------|------|
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(Partnership, con't.)

|   |
|---|
| <b>Partnership, Collaboration and Plan for Sharing:</b> |
|---|

**Instructions: Complete this page only if forming a partnership.**

**Partnership(s):** Clearly describe how the district will partner with other eligible educational entities to enhance this professional development plan (higher education, technical institutes, cooperatives, etc.) to establish school-based professional development programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty.

- Explain how the LEA will work with an educational institution to provide continuing education options for participants.
- Explain any partnerships that will be utilized with other LEAs.

**Collaboration(s):** Clearly describe how the district provided equitable participation of private school students and personnel.

- What timely and meaningful consultations with appropriate private school officials took place and when?

**Plan for Sharing:** Explain how this comprehensive professional development plan will serve as a model for other educational institutions.

- Explain sustainability, adoptability, and scalability.
- Clearly describe the contextual factors that will contribute to the success of this comprehensive professional development plan (demographics, funding, policy, school culture, etc.)

## STATEMENT OF ASSURANCES

### GENERAL ASSURANCES:

The local education agency (LEA) hereby assures the South Dakota Department of Education that:

1. Each program will be administered in accordance with all applicable statutes, regulations, program plans, and applications.
2. The control of funds provided under each program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities.
3. The public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes.
4. The applicant will adopt and use proper methods of administering each such program, including —
  - the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and
  - the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation.
5. The applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary, or other Federal officials.
6. The applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program.
7. The applicant will —
  - submit such reports to the State educational agency (which shall make the reports available to the Governor) and the Secretary as the State educational agency and Secretary may require to enable the State educational agency and the Secretary to perform their duties under each such program; and
  - maintain such records, provide such information, and afford such access to the records as the State educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the State educational agency's or the Secretary's duties.
8. Before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment.
9. Funds will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of federal funds, be made available, and in no case supplant such State, local, and other non-Federal funds.
10. Equitable participation of non-public schools (if any) will be provided. The applicant will consult with officials of non-public schools in a meaningful and timely manner, provide non-public participants genuine access to equitable services and equal expenditure of funds.

### PRO-CHILDREN ACT OF 1994 ASSURANCE

I hereby acknowledge that the LEA of which I am the authorized representative, has adopted the provisions of the Pro-Children Act of 1994. (The Pro-Children Act requires that smoking not be permitted in any indoor facility used routinely or regularly for the provision of "children's services" to persons under age 18, if the services are funded by specified Federal programs either directly or through State or local governments.)

### GUN FREE SCHOOLS ACT ASSURANCE

I hereby acknowledge that the LEA, of which I am the authorized representative, has adopted a Gun Free Policy that is in compliance with SDCL 13-32-4.

### CONSTITUTIONALLY PROTECTED PRAYER IN PUBLIC SCHOOLS CERTIFICATION

I hereby certify that the LEA, of which I am the authorized representative, has no policy that prevents, or otherwise denies participation in, constitutionally protected prayer in its public elementary and secondary schools.

As a condition of receiving federal funds under terms of the Elementary and Secondary Education Act ("ESEA") of 1965, as amended by Section 9524 of the No Child Left Behind Act of 2001, this certification is required by October 1st of each year. The South Dakota Department of Education in its role as the official public education state agency in South Dakota will annually send to the U.S. Secretary of Education a list of those LEAs in South Dakota that have not submitted the required certification or against which complaints have been made that the LEA is not in compliance with this provision.

### CHILDREN'S INTERNET PROTECTION ACT (CIPA)

The local education agency certifies that it will comply with the Child Internet Protection Act.

### LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

#### DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

#### DRUG-FREE WORKPLACE

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

#### ASSURANCES - NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a-7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-333), regarding labor standards for federally assisted construction sub agreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. 1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

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| Local Education Agency (LEA)  |      |
| ASSURANCES AND CERTIFICATION STATEMENT: The above named applicant assures the South Dakota Department of Education that these projects will be administered in compliance with the assurances contained in this application, with state and federal laws and regulations applicable to the use of these funds, that the information contained in this application is accurate and complete. |      |
| Name of LEA Authorized Representative (Type or Print)   |      |
| X   |      |
| Original Signature of LEA Authorized Representative   | Date |
| X   |      |

